

## **Statements of Economic Interests by Candidates for Elected Positions Designated in a Conflict of Interest Code**

### **Bill Proposal:**

Add Government Code section 87302.3 to require candidates for elective offices that are designated in an agency's conflict of interest code to file a statement of economic interests prior to their election.

### **Problem:**

As part of the Act's comprehensive scheme to prevent conflicts of interest by state and local public officials, section 87200 identifies certain elected and other high-level state and local officials who must file statements of economic interests (Form 700). Section 87201 requires candidates for elected positions specified in section 87200 to file a Form 700 (a "candidate statement") no later than the deadline for filing a declaration of candidacy to appear on an election ballot.

Other state and local public officials are required to file the Form 700 if the position they hold is designated in an agency's conflict of interest code (promulgated pursuant to sections 87300-87313). A position becomes "designated" when the position entails the making or participation in the making of governmental decisions that may foreseeably have a material financial effect on the decision maker's financial interests. For purposes of these provisions, all elective offices (other than elective state offices) are included in the definition of "designated employee" in section 82019. However, there is nothing in the Act requiring candidates for these offices to file a Form 700 prior to their election.<sup>1</sup> This deprives the public of important information about personal financial interests that may affect a candidate's ability to perform his or her duties if elected to office.

### **Proposed Solution:**

By adding section 87302.3 to the Act, candidates for elective positions designated in a conflict of interest code would be required to file a candidate Form 700 no later than the deadline for filing a declaration of candidacy or other nomination documents to appear on the ballot. This section would parallel the requirement imposed on officials enumerated in section 87200 and give the public important information about a candidate's financial interests before the election.

### **Bill Language:**

#### **§ 87302.3. Disclosure by Candidates for Elective Offices Designated in a Conflict of Interest Code**

(a) Every candidate for an elective office that is designated in a conflict of interest code shall file a statement disclosing his or her investments, business positions, interests in real property, and income received during the immediately preceding 12 months, as enumerated in the disclosure requirements for that position. The statement shall be filed with the election official with whom the candidate's declaration of candidacy or other nomination documents to appear on the ballot

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<sup>1</sup> Some agency conflict of interest codes require candidates to file a Form 700, but this is not consistent throughout the state, and, as described above, there is no statutory authority for the requirement as there is for candidates under section 87200.

are required to be filed and shall be filed no later than the final filing date for the declaration or nomination documents.

(b) This section shall not apply to the following:

(1) A candidate for an elective office designated in a conflict of interest code who has filed an initial, assuming office, or annual statement pursuant to that conflict of interest code, within 60 days prior to the deadline specified in subdivision (a); or

(2) A candidate for an elective office who has filed a statement for the office pursuant to Section 87302.6 within 60 days prior to the deadline specified in subdivision (a).